AIR FORCE POLICY ON DISCRIMINATION

POLICY

***ZERO* tolerance for unlawful discrimination in any form in any location**

RATIONALE

Unlawful discrimination in any form

- **Is wrong**
- **Is unlawful**
  - **Criminal and civil penalties**
- **Is contrary to long-standing fundamental policies, regulations and best traditions of the Air Force and the United States**

RATIONALE (CON'T)

- Creates environment where people can't reach maximum potential
- Embarrasses the institution
- May violate the antiboycott provisions of the Export Administration Act and Regulations

FORMS OF DISCRIMINATION

- **Intentional**
  - **Direct/Overt**
  - **Indirect/Subtle**
- **Unintentional**
  - **Words or conduct, however well intended, that result in discrimination**

ANTIBOYCOTT ISSUE

- **Background**
  - **1991-92 -- DOJ and a DOJ contractor provided litigation support on an Air Force case**
  - **DOJ contractor developed operations plan for document collection and retrieval in Saudi Arabia**
  - **Plan included language excluding Jewish and Jewish surnamed personnel from the team going to Saudi Arabia**

ANTIBOYCOTT ISSUE (CON'T)

- **Background (con't)**
  - **A contractor employee excluded based upon provision**
  - **Complaint filed**
  - **Office of Antiboycott Compliance (OAC), Department of Commerce, assumed investigative jurisdiction**
  - **Contractor stated the provision was based upon information received from AF member**

ANTIBOYCOTT ISSUE (CON'T)

- **Background (con't)**
  - **No evidence that anyone in AF saw plan before it was published**
  - **Evidence suggests motivation was safety of team members in a perceived threatening environment**
  - **Allegations made against AF, DOJ, DOJ contractor, and individuals included**
    - **Intent to comply with, further, or support an unscantioned boycott**

ANTIBOYCOTT ISSUE (CON'T)

- Background (con't)
  - Investigation lasted 18 months
  - Case settled with Department of Commerce
    - Part of settlement is training program to ensure nonrecurrence

ANTIBOYCOTT PROVISIONS

- U.S. individuals and companies, including U.S. government agencies, departments, and commissions may not
  - Discriminate
  - Agree to discriminate
  - Require others to discriminate
- Based upon race, color, religion, national origin, or sex

ANTIBOYCOTT PROVISIONS (CON'T)

- **Inappropriate considerations**
  - **The environment in a foreign country**
  - **The degree of difficulty**
  - **Inconvenience**
  - **Costs**
  - **Exclusionary policies or practices of a foreign government**
  - **Any other concern**

TRAINING

- **This case study and the underlying Air Force policy, including the AFMC SJA memo of 7 March 1997, will be briefed to all personnel**
  - **In every legal office in AFMC annually**
  - **As part of the annual Air Force Systems and Logistics Contracting Course**
  - **To new members in AFMC legal offices upon arrival as part of their in-processing**

BOTTOM LINE

ZERO

TOLERANCE